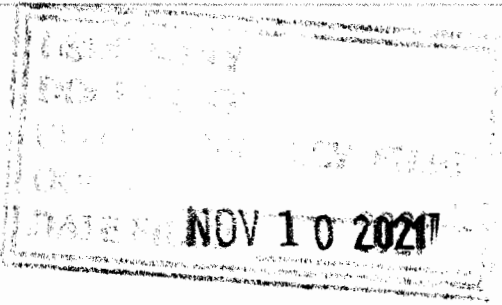


GALLO VITUCCI KLAR



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November 8, 2021

**VIA ECF**

The Honorable George B. Daniels  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**SO ORDERED**

The conference on November 10, 2021 is  
adjourned to January 26, 2022 at 9:45 a.m.

NOV 10 2021

*George B. Daniels*  
HON. GEORGE B. DANIELS

Re: *Feliz v. Kershaw, et al.* 20-cv-7477 (GBD)  
Our File No.: PE-2020-1

Dear Judge Daniels:

We represent the Defendants Tyrone Eugene Kershaw and Penske Truck Leasing Corp. in this matter and write together with Plaintiff's counsel Steven Goldstein, Esq. to respectfully request a further adjournment of the initial pretrial conference scheduled on November 10, 2021 as well as a further enlargement of time for the parties to complete discovery, file dispositive motions and submit a joint pretrial order.

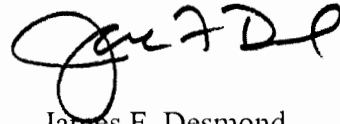
This request is made as Plaintiff's counsel has confirmed that Allstate Insurance has approved the Underinsured Motorist (UIM) claim (Allstate Claim #0491016085 YPA) filed by Plaintiff for the subject motor vehicle accident but is still awaiting approval for the workers' compensation claim (Claim W99 0004) from Uninsured Workers' Compensation Fund, 620 Erie Boulevard West, Syracuse, NY 13204 which is anticipated within the next 30-45 days. Once approved, the parties have agreed to the global settlement and voluntary discontinuance and dismissal of this action and the related state actions, *Herrera v. Kershaw, et al.*, Index No. 23077/2020E (Supreme Court, Bronx County) and *Herrera, et al. v. Eagle Age LLC*, Index No. 805322/2021E (Supreme Court, Bronx County) in consideration and payment of the applicable limits of liability coverage under the policy of insurance that Penske has for its rental vehicle. Based on the foregoing, the parties are jointly and respectfully seeking additional time for the approval of the workers' compensation claim and to the settlement and global disposition as agreed.

Pursuant to Your Honor's Order dated September 8, 2021, all discovery in this matter is to be completed by December 3, 2021, dispositive motions are to be served by January 31, 2022, and a joint pretrial order is to be filed by February 28, 2022. Based on the foregoing, the parties jointly request that the date by which all discovery is to be completed be enlarged to February 3, 2022, dispositive motions to be served by March 30, 2022 and a joint pretrial order to be filed by April 29, 2022. The parties also request that the Court schedule an initial pretrial conference at the

Court's convenience. This is the third time that the parties have requested an enlargement of time of the current civil case management plan and schedule.

We thank the Court for its continued consideration in this matter. Should Your Honor have any questions or concerns, please do not hesitate to contact the parties herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. F. Desmond", written over a horizontal line.

James F. Desmond

cc: **Via Electronic Mail:** StevenG@ghlawnynj.com  
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